

Micah B. Riggs,)
Plaintiff,)
vs.) No. 14-cv-0676-FJG
Robert Gibbs, et al.,)
Defendants.)

exhibits

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|-----|---|-------------------------|
| 4. | Deposition designations | |
| | Designations | February 4, 2020 |
| | Objections, counterdesignations | February 11, 2020 |
| | Objections to counterdesignations | February 18, 2020 |
| 5. | Instructions | February 25, 2020 |
| 6. | Voir dire questions | February 25, 2020 |
| 7. | Objections to proposed voir dire and proposed instructions | March 3, 2020 |
| 8. | Motions in limine, trial brief | March 3, 2020 |
| 9. | Responses to motions in limine and Responses to trial briefs | March 10, 2020 |
| 10. | Amendments to any previously-filed Trial documents (from 1-9, above) | February 7, 2022 |

IT IS ORDERED that this cause be set for jury trial on the jury docket commencing March 21, 2022.

Counsel shall have the responsibility to maintain contact with the courtroom deputy Tracy Diefenbach at telephone number (816) 512-5376 regarding trial questions. All matters will be heard at the United States Courthouse, Courtroom 7C, in Kansas City, Missouri, unless otherwise notified by the courtroom deputy.

Pretrial teleconference will be held on March 1, 2022 at 10:00 a.m. Call-in information for the teleconference will be emailed to counsel by the courtroom deputy.

1. STIPULATION OF ANY UNCONTROVERTED FACTS

A stipulation of any uncontroverted facts shall be filed no later than January 21, 2020. If no stipulated facts can be agreed upon, including facts related to the Court's subject matter or personal jurisdiction, the parties shall file a joint statement to that effect.

2. AMENDED WITNESS LISTS

Each party shall file an amended witness list no later than January 21, 2020. The witnesses shall be listed in alphabetical order.

AMENDED IN CAMERA WITNESS LISTS shall be filed simultaneously with each parties' amended witness list and shall include the subject matter that each witness will testify about and the exhibits each witness will identify or use; the length of time needed for direct examination of each witness; and the order in which you propose to call each witness. You shall provide an **estimate of the amount of time it will take to cross-examine opposing parties' witnesses** within **five days** of their disclosure.

In camera submissions of witness lists **may be electronically filed under seal with leave of Court being waived**. *Pro se* litigants may alternatively submit their *in camera* witness lists by emailing the document to the courtroom deputy at tracy_diefenbach@mow.uscourts.gov or providing a paper copy to her. Faxed copies of *in camera* witness lists will not be accepted.

PLEASE NOTE that counsel may, if desired, file and serve the information detailed above instead of making a separate *in camera* submission.

3. **EXHIBIT LISTS**

Each party shall file an exhibit list no later than January 28, 2020. Each exhibit listed shall be pre-marked and numbered. If only a portion of an exhibit is to be offered, the portion to be offered shall be specifically identified. A copy of the exhibit index will be attached to the copy of the exhibit list.

A STIPULATION TO THE IDENTITY AND AUTHENTICATION OF EXHIBITS shall be filed no later than January 28, 2020. If no exhibits can be stipulated to, the parties shall file a joint statement to that effect.

4. **DEPOSITION DESIGNATIONS.**

a. **All parties** shall file any designation by page and line number, of any deposition testimony to be offered in evidence as a part of that party's case-in-chief in connection with such claim or claims no later than February 4, 2020.

b. **All parties** shall file objections to proposed deposition testimony designated by any other party pursuant to subparagraph 4(a) no later than February 11,

2020.

c. **All parties** shall file a designation, by page and line number, of any deposition testimony to be offered as cross-examination to deposition testimony designated by other parties pursuant to subparagraph 4(a) no later than February 11, 2020.

d. **All parties** shall serve and file any objections to proposed deposition testimony designated by any other party pursuant to subparagraph (4)(c) no later than February 18, 2020.

e. **Deposition designations, objections and counterdesignations shall be properly marked (color coded) and submitted to the Court 30 days before trial.**

5. INSTRUCTIONS

All proposed instructions that the parties believe appropriate shall be taken from or drawn in the manner of Model Civil Jury Instructions for the Eighth Circuit. The Missouri Approved Instructions (MAI) may be used if there is no Eighth Circuit instruction available. An original (without sources) and one copy (with sources) of all said instructions shall be emailed to the courtroom deputy in Word format at tracy_diefenbach@mow.uscourts.gov and the source copy filed on ECF no later than February 25, 2020. If a non-MAI instruction is proposed (because none of the authoritative sources requested above have instructions on this subject), the source of such instruction should be provided. **The Court expects to receive jointly agreed to instructions from the parties. Separate instructions are appropriate only where the parties cannot agree upon a specific instruction. In that instance, opposing counsel shall state in writing the reason for the objection with authority cited as well as an alternative instruction.**

6. VOIR DIRE QUESTIONS

All parties shall serve and file all proposed voir dire questions no later than

February 25, 2020.

7. **OBJECTIONS TO PROPOSED VOIR DIRE AND PROPOSED INSTRUCTIONS**

All parties shall file their objections to any proposed voir dire question and/or proposed instruction no later than March 3, 2020.

8. **MOTIONS IN LIMINE, TRIAL BRIEFS**

All parties shall file all motions in limine with supporting suggestions no later than March 3, 2020. Any desired trial brief shall be filed no later than March 3, 2020.

9. **RESPONSES TO MOTIONS IN LIMINE AND RESPONSES TO TRIAL BRIEFS**

All parties shall file and serve responses to earlier filed motions in limine and responses to earlier filed trial briefs no later than March 10, 2020.

10. **AMENDMENTS TO PREVIOUSLY-MADE PRETRIAL FILINGS**

To the extent that the parties wish to amend any pretrial filings (stipulations, witness lists, exhibit lists, deposition designations, instructions, voir dire, trial briefs), the parties' amended filings are due no later than **FEBRUARY 7, 2022**. Any responses or objections to these amendments will be due no later than **FEBRUARY 22, 2022**.

11. The Court may place additional time limits on opening statements, and direct- and cross-examination of all witnesses.

12. In furtherance of the efficient use of judicial resources, the following rules of Court will be imposed.

a. All legal issues must be raised in advance of trial by written motions and in accordance with the scheduling order of this Court.

b. Motions will not be heard during trial without a strong showing that counsel could not, by due diligence, have raised them sooner.

c. Motions for judgment as a matter of law submitted under Rule 50 shall be filed with the Court as soon as possible but no later than the night before the

anticipated completion of testimony.

d. Testimony will not be interrupted to deal with evidentiary matters that could have been heard in advance of trial. The Court will consider those matters during recess, at noon break, or at the end of the day. Counsel should be prepared with written authority for their position.

e. Witnesses who will be testifying from exhibits or about exhibits should review them immediately prior to their examination.

PLEASE NOTE that a witness not listed in accordance with this order will not be permitted to testify, except for good cause shown and with leave of Court; and that an exhibit not listed or deposition testimony not designated in accordance with this order will not be received in evidence, except for good cause shown and with leave of Court. All witnesses shall be instructed to be available for testimony as of the first day of trial scheduled herein, should the Court so require.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: August 26, 2021
Kansas City, Missouri